NO. X06-UWY-CV-18-6046436 S :	SUPERIOR COURT
ERICA LAFFERTY, ET AL :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	OCTOBER 18, 2021
NO. X06-UWY-CV-18-6046437 S :	SUPERIOR COURT
WILLIAM SHERLACH :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	OCTOBER 18, 2021
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Affidavit in Support of Motion to Recuse Judge Bellis

I, Norman Pattis, declare as follows:

1. I am more than 18 years old, competent to testify, and have personal knowledge regarding the statements set forth in this declaration.

2. I execute this affidavit for the purpose of seeking recusal of Judge Barbara Bellis and obtaining transfer of the hearing of this case to another judge. As detailed below, the record in this matter is littered with issues creating the appearance of judicial impropriety that raise substantial questions about whether a reasonable person would question Judge Bellis' impartiality.

3. I have appeared before Judge Barbara Bellis in the above captioned matters, and I have read certified court transcripts of any hearings that I was unable to attend.

4. **1 March 2019**. Pattis & Smith, LLC filed an appearance in the above captioned matters on behalf of the Jones Defendants. Previously, with prior counsel, the Jones Defendants filed a special motion to dismiss under Conn. Gen. Stat § 52-196a. Pursuant to that

section, in order DN123.1, Judge Bellis found good cause to order specified and limited discovery. "Specified and limited" is not defined. Neither the parties nor the court were aware of a case defining this term. Judge Bellis refused to opine on what constitutes "specific and limited" discovery, instead deciding to take up each discovery objection after the parties attempted to resolve any issues themselves. After the parties were unable to come to an agreement, Judge Bellis in order DN148 overruled two of the Jones Defendants' objections without further explanation. The Jones Defendants' attempt to appeal this order was denied and the parties agreed to comply with discovery by 23 February 2019.

5. **7 March 2019 hearing**. Discovery compliance on behalf of the Jones Defendants was incomplete and overdue.

    a. I informed the Court and plaintiffs that I expected my appearance to be limited to moving another attorney in *pro hac vice* to represent the Jones Defendants. (Transcript, 8:9-10, Exhibit A). Previously, the court denied the *pro hac vice* application of the Jones Defendants' original counsel of choice. This, in part, resulted in a replacement of prior counsel

    b. The Court stated its dissatisfaction with the current state of discovery and missing of court ordered discovery compliance deadlines. (*Id.* at 4:1-27).

    c. Despite its dissatisfaction, the Court granted the Jones Defendants an additional two weeks for discovery compliance, with a caveat that if the Jones Defendants "continue to ignore court deadlines they're going to lose the ability, quite frankly, to pursue their motion to dismiss." (*Id.* 6:18-21).

6. **13 March 2019 hearing**. The Jones Defendants found themselves without *pro hac vice* counsel, further exacerbating discovery compliance.

    a. I informed the Court that:

        i. to my surprise, "counsel who expressed an interest in appearing will not be appearing and that I will in fact for the foreseeable future be the only counsel for these defendants." (Transcript, 4:14-17, Exhibit B).

        ii. I had personally made the Jones Defendants aware that the ability to have their special motion to dismiss heard depended on complying with the court's discovery orders. (*Id.* 7:23-8:1).

    b. Judge Bellis agreed with this assessment regarding the Jones Defendants' special motion to dismiss. (*Id.* 8:2).

7. **22 March 2019 hearing**. I took the reins of the defendant's discovery compliance efforts, determined why the Jones Defendants had yet to comply, and what was necessary to bring them into compliance.

    a. Prior to this hearing, on 21 March 2019, the Jones Defendants filed a motion for an extension of time to comply with discovery, which in part indicated that the Jones Defendants had previously been under the impression compliance had been tendered. (Transcript, 3:25-4:3, Exhibit C).

    b. Judge Bellis inquired as to how, given the history of discovery compliance, the Jones Defendants could be under that impression. (*Id.* 4:1-3).

    c. I provided a candid history of the impact the two previous changes in counsel had on discovery compliance and provided a roadmap as to how discovery

compliance could progress given the voluminous nature of the court ordered discovery. (*Id.* 5-38).

d. At that time, Judge Bellis decided to not preclude the Jones Defendants' special motion to dismiss, noting that based on my representation:

> [i]t sounds like you pretty handily, without much of a struggle, was able to determine that this was going to be an expensive search, and it was going to involve a lot of documents. If Mr. Jones' first attorney had done what you're doing, I would have been back probably with everyone maybe on January 30th, at which point I would have been told this is going to be -- it's going to take longer, it's nine million, or however many emails, but instead what happened -- and I don't want to beat a dead horse -- is that the deadlines were missed and they were like moving targets.

(*Id.* 40:7-18).

8. **26 March 2019 hearing**. The Jones Defendants produced a large quantity of discovery materials.

a. In response to the Court's inquiry about the status of discovery compliance, I stated:

> the Court reserved effectively on whether to reconsider our motion to — for an extension of time to comply with discovery. And I recited the transitional difficulties as this case has migrated from several counsel to our office. My impressions Friday is the Court was going to keep an open mind about what to do and based in part on whether the defendants could make some showing that they were making a bonafide and good faith effort to comply with discovery under new counsel. What we had done since Friday consist of the following. We have, as you know there is a related Texas case and the Texas firm has given us complete access to what they have disclosed in -- in that case. So I delivered to counsel for the plaintiffs at their home on Sunday afternoon, a hard drive consisting of all the documents we had received to date from counsel in Texas that were responsive to search terms in our case, together with the — I sent an email describing what I thought was in that disc. Was operating under the speed of light. I have authorization from my client to rely on Texas' compliance without having to look through it myself with respect to those items.

(Transcript, 3:14-4:12, Exhibit D).

b. Following an extended inquiry by the Court, Judge Bellis reasoned that "we sort of need a better grasp of what has been produced to date… since some of the materials were just produced last night, I think before I make a decision, I think that we need to be on the same page, both sides, as to what has been produced and what is still owed." (*Id.* 23:2-10).

c. Judge Bellis then concluded "So I think the best that you could do is if you could ask for a week for the Court to. . . decide the issue. . . not a week extension, a week to decide the issue. (*Id.* 29:18-25). "If you want to come back in a week, hopefully with interrogatories and production requests under oath so that I could then decide the issue. . . I'm willing to do that. . . Does that work for other counsel?" (*Id.* 30:13-24).

d. Opposing counsel agreed with Judge Bellis' proposed course of action. (*Id.* 30:24-25).

9. **10 April 2019 hearing**. Judge Bellis determined the Jones Defendants were now in substantial compliance with the court ordered discovery. An issue regarding a signature on an affidavit arose. Judge Bellis was unable to articulate the relevance or materiality of the signature issue. Regardless, she ordered a separate hearing to resolve this issue and *sua sponte* incorporated this issue as a potential second basis for a sanction preventing the Jones Defendants from having their special motion to dismiss heard.

a. Judge Bellis indicated that "the issue at this point for me is whether there's been substantial good faith compliance or not such that the defendant should be

allowed to pursue their special motion to dismiss." (Transcript, 12:15-18, Exhibit E). (*Id.* 12:27-13:6).

b. The Jones Defendants proceeded to outline the current state of discovery compliance. (*Id.* 13:13-16:22).

c. After addressing non-substantive issues with the discovery compliance, Judge Bellis inquired of the plaintiffs "[h]ow is this not substantial compliance?" (*Id.* 22:6-7).

d. Plaintiffs raised concerns regarding the content of answers provided in the discovery compliance, to which Judge Bellis responded "that would require an evidentiary hearing., (*Id.* 22:23-24). "[b]ut I don't see how this is not substantial compliance." (*Id.* 24:1-2).

e. Plaintiffs then conceded that "it's apparent from the Court's comments that the Court is satisfied there is at least substantial compliance." (*Id.* 27:4-6).

f. **Affidavit issue**. In my haste to satisfy the court ordered expedited discovery, I executed an affidavit containing a technical deficiency that impacted neither it's substance nor veracity.

    i. Plaintiffs next inquired on the record about an affidavit signed by Alex Jones, specifically where the affidavit was signed. (*Id.* 29:3-7).

    ii. I indicated it was signed in New Haven, Connecticut by "an authorized representative . . . who spoke to [him] and spoke with [Alex Jones] and authorized [him] to sign it for him under the formalities of an oath." (*Id.* 29:17-26). This procedure occurred because Alex Jones could not travel to

Connecticut to personally sign the affidavit. (*Id.* 30:2-4). This was not indicated on the affidavit.

iii. Judge Bellis responded as follows, "I've never heard of that," (*Id.* 29:27). "I -- I know, but I've never heard of that in my life. I've never heard of that ever. . . ever . . . But I've never -- I -- I - - I've never heard of that. I've never — I've just never heard of it, I've never even anecdotally heard of it. I've never heard of it done in any case ever, I've never read about it ever. (*Id.* 30:1-15).

iv. I responded, "[t]here was certainly no intent to deceive. . . If there's a concern, I'll have him sign it and refile it tomorrow." (*Id.* 31:6-16).

v. In response to Judge Bellis' inquiry regarding who signed the affidavit and why that name did not appear on the document, I indicated that "its an individual's who appeared for him in Connecticut who is an -- an assistant . . . [h]is concern is that he does not want to be harassed by (inaudible). who have harassed others in this case." (*Id.* 31:18-25).

vi. Because I was appearing remotely, Judge Bellis indicated that affidavit issue would be addressed immediately upon my return to Connecticut. (*Id.* 32:3-8).

vii. Plaintiffs inquired whether the court was "prepared to rule on the motion for reconsideration or motion for sanctions [for failure to comply with discovery]. (*Id.* 35:3-4).

viii. Judge Bellis replied:

> I am going to have a hearing on that affidavit issue. And I don't think there's any harm in proceeding. I mean, I think this is *substantial compliance* but until I deal with that affidavit issue, I'm not — I'm not going to rule on — I'll take it under advisement; the motion for reconsideration and the motion for sanctions. But I'm going to have the hearing on the affidavit first.

(*Id.* 35:9-16). (emphasis added).

10. **22 April 2019 hearing**. Given Judge Bellis' reaction to the affidavit issue, I self-referred to the grievance counsel. Judge Bellis indicated her intent to refer the issue to the grievance counsel a second time. Judge Bellis then invited the plaintiffs to use this issue as a pretext to provide an additional basis to sanction the Jones Defendants. The plaintiffs declined this invitation, indicating their position was that there was insufficient information to indicate culpability on the part of the Jones Defendants. Despite previously ordering a hearing on the issue and the plaintiffs indicating that without a hearing they lacked information necessary to take a position, Judge Bellis pressed the plaintiffs to take a position without a hearing, which they declined to do.

    a. Judge Bellis took up the affidavit issue by stating:

> I reviewed the transcripts and the affidavit and I do want to put a statement on the record, and I think I'm going to proceed a certain way. So on March 22nd, 2019, Defense Counsel filed the affidavit that indicated it was signed by Alex Jones under oath, and the e-filing description referred to a March 22nd, 2019, affidavit of A. Jones. That was the e-file description. And the attestation clause indicates that the affidavit was sworn to and subscribed to on March 22nd, 2019; and we learned on that same date that Attorney Pattis --I'm sorry, we learned subsequently on April 10th that Attorney Pattis had taken the signature and that the signature was not that of Mr. Jones but of an authorized representative who didn't want to be named because he didn't want to be harassed. But on March 22nd, 2019, on the record Attorney Pattis referred to the document as an affidavit from Jones. The affidavit is devoid of any language that would reveal that Mr. Jones' agent or employee or authorized representative signed his name to the document. There's no attempted power of attorney language or acknowledgement or

> anything at all to show that some other person signed Alex Jones' name to the affidavit. So in the Court's opinion, the affidavit is -- is invalid and is a false affidavit. Affidavits are supposed to be signed by the author, not surreptitiously by some other unknown, although authorized, person. So I am going to refer this matter to Disciplinary Counsel.

(Transcript, 12:15-18, Exhibit F).

b. I indicated that I already self-referred because I was:

> so taken aback by your reaction and the reaction of Counsel, although I stand by what I did. I take your role as Court very seriously. I referred that to the New Haven Committee, care of Michael Georgetti, the Friday of our hearing. I've alerted Counsel to it in the event they wanted to weigh in. They asked for a copy of my filing. I didn't give them one because it contains more information than was placed on the record. But nonetheless, Judge, if I erred, the Grievance Committee will tell me. I don't believe I did.

(*Id.* 5:16-27).

c. Judge Bellis indicated:

> I am going to make the referral, nonetheless, but I am glad to hear that you did it, Attorney Pattis. And I will leave it to them to figure out what if anything needs to be done. However, the question remains as to what if any sanctions should enter as to the defendants in light of the affidavit.

(*Id.* 6:8-15).

d. The plaintiffs' position was that "we came here today believing that this issue was one between Counsel and the Court, frankly. . . we just don't know enough about the circumstances under which that affidavit was made to know whether Mr. Jones's role. . . based on what we know right now, we weren't prepared to argue that." (*Id.* 7:11-27).

e. Judge Bellis' response invited the plaintiffs to make an argument for sanctions, stating "I'm not sure what you would need to know to take a position." (*Id.* 8:6-7).

f. The plaintiffs refused the invitation to argue for sanctions and took no position. Judge Bellis indicated, "[a]ll right. Then in light of that, I am satisfied with not taking any further action." (*Id.* 8:9-22).

11. **7 May 2019 hearing**. Judge Bellis ruled that there has been sufficient discovery compliance to afford the defendants the opportunity to pursue their special motion to dismiss. Then, plaintiffs raised an issue about discovery of draft interrogatories. Judge Bellis immediately retracted the ruling regarding substantial compliance, without fully comprehending the issue raised by plaintiffs. Counsel for the Jones Defendants attempted to inform the court it misunderstood the issue raised, but was immediately cut off by Judge Bellis. Once the court fully comprehended the plaintiffs' request, Judge Bellis denied it but never addressed whether the prior ruling finding substantial compliance or the subsequent retraction was the law of the case.

a. Judge Bellis began this hearing by stating:

> I do want to just state for the record what is probably clear to everyone at this point. I had said a few times that I thought that there was substantial enough compliance. So in effect I have really extended --had extended the deadlines for the defendant to comply. So that would be my ruling, just for the record, on the issue of the additional time to comply. I understand it's not necessarily 100 percent complete compliance, but I think *I've seen enough of it at this point to afford the defendants the opportunity to pursue their special motion to dismiss*.

(Transcript, 1:18-2:3, Exhibit G). (Emphasis added).

b. The court then addressed additional discovery related issues concerning, among other issues, the production of metadata from emails previously produced to plaintiffs. Judge Bellis ordered that the metadata be produced within two weeks. (*Id.* 4:1-25).

c. Plaintiffs subsequently raised an issue concerning interrogatory responses made by Alex Jones, indicating that they had received a signed copy but were not in possession of "the version that Mr. Jones previously signed that Attorney Pattis has described for the Court and which were responses to our request for production, they simply declined to produce them." (*Id.* 10:10-14).

d. While the court ultimately ruled the plaintiffs were not entitled to these draft responses, (*Id.* 10:15-12:3), upon plaintiffs first raising the issue and without inquiring the position of the Jones Defendants, Judge Bellis stated, "this is news to me. So here's what I would say on that. *I now retract my prior comments that there has been substantial compliance, good-faith, substantial compliance.*" (*Id.* 8:24-9:1). (Emphasis added).

e. Despite ultimately holding that the plaintiffs were not entitled to discovery of the draft interrogatory responses, Judge Bellis took no steps to clarify what ruling stood with regard to whether there had been substantial enough compliance to afford the defendants the opportunity to pursue their special motion to dismiss. (*Id.* 10:15-12:2).

12. **22 May 2019 hearing**. Metadata related to previously discovered emails was provided to plaintiffs.

    a. The plaintiffs acknowledged receipt of the previously requested metadata on 21 May 2019 in accordance with the court's 7 May 2019 order. (Transcript, 2:25-27, Exhibit H).

13. **5 June 2019 hearing**. Judge Bellis ruled that the Jones Defendants have fully and fairly

complied with discovery despite plaintiffs' objections. When I requested the ability to make discovery requests of the plaintiffs, Judge Bellis attempted to silence me. When I objected, Judge Bellis terminated the hearing.

a. At the start of the hearing, Judge Bellis inquired what motions were ready for adjudication. The plaintiffs replied that two of their motions were ready for adjudication along with a consolidated response by the Jones Defendants. (Transcript, 1:12-16, Exhibit I).

b. Judge Bellis next outlined how the hearing would proceed:

> So I looked at them and there's no right to argument on these, but I'm going to give you some -- an opportunity to just briefly address the exact issue. So I don't want to have a rehash of how we got here, what's transpired. It was all laid out in the motions and I'm more than familiar. So I basically want the plaintiff to tell me why the defendant has not fully and fairly complied with the discovery request. And then I would like to hear from the Defense as to why the Defense has fully and fairly complied with the discovery request. And I want to be able to look --actually look at the exact inquiries that we're talking about.

(*Id.* 1:17-2:3).

c. The plaintiffs' motions concerned discovery compliance issues, despite Judge Bellis previous ruling that there had been substantial enough compliance to afford the Jones Defendants the opportunity to pursue their special motion to dismiss. (*Id.* 1-50).

d. For example, in one request the plaintiffs asked the Jones Defendants to produce "business marketing plans" and, after depositions, took issue with the manner in which the defendants searched for these materials. (*Id.* 36:24-27).

e. In response, Judge Bellis ruled that "unless you have some, you know, a good

faith basis and some evidence that in fact the documents do exist, I think that you have to be satisfied with the answers under oath. And no such documents exist is a proper response. (*Id.* 38:23-27). "This is just full and fair compliance. And sometimes the answer is going to be it doesn't exist." (*Id.* 39:26-40:1).

f. The court afforded the plaintiffs 46 transcript pages to address the issues raised in their motions. Believing that Judge Bellis had now clarified any confusion regarding discovery compliance so that the next step was a hearing on the special motion to dismiss, the Jones Defendants indicated that "in our motions we suggested we'd like permission to do a little bit of discovery ourselves." (*Id.* 48:23-25).

g. Judge Bellis' immediately replied, "I'll take that up on the papers." (*Id.* 49:1).

h. The Jones Defendants' attempt to be heard as to the nature of the discovery sought, was met with the following exchange:

> THE COURT: I'll take that up on the papers.
>
> ATTY. PATTIS: And then also we'd like to have them be directed to find out who's financing this because --
>
> THE COURT: Right. I read -- Attorney Pattis, I read it. No right to argument on that issue. I don't need help on that issue. And I'll -- I'll issue that --
>
> ATTY. PATTIS: My client would like me to be heard today for these purposes because --
>
> THE COURT: All right. Attorney Pattis, listen to me carefully. I'm trying to be polite.
>
> ATTY. PATTIS: I always do.
>
> THE COURT: Okay. I'm going to take that issue on the papers. There's no right to argument on that issue and I will rule today on that issue for you. Okay? But you can tell your client that there's no right to argument on that issue and I'm not extending -- I'm denying your request for argument, politely.

ATTY. PATTIS: And I will politely tender his objection on the grounds that when his --

THE COURT: All right. Attorney Pattis --

ATTY. PATTIS: -- information on the business finds itself --

THE COURT: -- I think we're done.

ATTY. PATTIS: -- in the press to his economic detriment

THE COURT: We're done for the day.

(*Id.* 49-50).

14. **14 & 15 June 2019 broadcasts**. Alex Jones aired two broadcasts. The first was an emotional response to learning that he and the Jones Defendants were the victims of a cyber-attack designed to frame them for possession of child pornography. The second was an apology for his emotional outburst.

    a. On 14 June 2019, defendant Alex Jones appeared in a broadcast in which he opined on the discovery compliance in the above captioned matters, specifically focusing on the discovery of unopened child pornography that was hidden in metadata attached to emails sent to the Jones Defendants from third parties. Plaintiffs specifically requested this metadata via motion and the Jones Defendants complied with the courts order to produce this data to the plaintiffs within 2 weeks, by 21 May 2019. Plaintiffs provided this data to an "electronic storage information expert" in order to review the metadata associated with approximately 58,000 emails. (Transcript, 7:9-21, Exhibit J).

    b. On 4 June, after 15 days with the data, the plaintiffs' expert review discovered a single image of suspected child pornography attached to an email sent to the Jones Defendants by a third-party. (*Id.* 7:9-27).

    c. On 7 June the FBI took possession of the data and immediately analyzed it for an

additional 6 days. (*Id.* 8:5-15).

d. On 12 June, the FBI informed only the plaintiffs that the weeklong investigation uncovered an additional 11 emails containing suspected child pornography. The FBI also informed only the plaintiffs that the investigation concluded that the Jones Defendants had not opened any of the images at any time. (*Id.* 8:15-20).

e. Plaintiffs' counsel Attorney Chris Mattei then called and informed me that the Jones Defendants had been the victims of 12 distinct acts of cyber-crime. Subsequently, the United States Attorney's Office called me. Counsel for plaintiffs were included on this call. (*Id.* 8:21-9:24).

f. Following this call, and prior to the 14 June broadcast, I informed the Jones Defendants that as a result of discovery compliance the FBI launched a weeklong investigation into whether the Jones Defendants knowingly possessed child pornography in violation of federal law.

g. Upon learning that they were the victims of 12 distinct acts of cyber-crime involving a child pornography email scam, ostensibly to frame and extort them, the Jones Defendants reacted. The Jones Defendants were outraged. They found the manner in which the FBI handled the investigation disconcerting. Plaintiffs' counsel, not the Jones Defendants who were the victims of the cyber-attack, were the first party informed of the outcome of the investigation. Then it was plaintiffs' counsel Attorney Chris Mattei, not a Federal Investigator or member of the FBI's Victim Services Division, that informed me about the investigation. This was especially suspect given that Attorney Mattei worked for the United States Attorney's Office from 2007 through 2015.

h. While all this information was coalescing in his mind, Alex Jones raised these issues in an emotionally charged stream of consciousness broadcast on 14 June 2019. The narrative began with an account of how discovery compliance resulted in an FBI investigation and ended in Mr. Jones expressing his opinion that he wanted the perpetrator of these cyber-attacks brought to justice. In the course of that narrative, Mr. Jones indicated a belief that Attorney Mattei's involvement in this entire course of events was suspicious. Attorney Mattei had argued in court to obtain metadata associated with approximately 58,000 emails. This metadata was provided to an "electronic storage information expert" that spent 15 days combing through the data to find a single image. Plaintiffs' counsel then provided this to the FBI, who spent an additional week analyzing the metadata. In the end, it was Attorney Mattei that called to inform them about the results of the investigation by the FBI, specifically that the Jones Defendants were cleared of any criminal liability. This left Alex Jones demanding to know who attacked the Jones Defendants and why Attorney Mattei played such a prominent role in the FBI's investigation.

i. The following day, on 15 June 2019, Alex Jones issued another broadcast, apologizing for his emotional response and indicating that the 14 June 2019 broadcast should not be construed as suggesting that plaintiffs' attorneys were involved in any criminal activity related to the discovery of child pornography in the metadata.

15. **18 June 2019 hearing**. Given Judge Bellis' previous willingness to entertain arguments for sanctions against the Jones Defendants without a hearing and meaningful opportunity

to be heard, the broadcasts created a perfect opportunity for the plaintiffs to resurrect their attempt to prevent the Jones Defendants from pursuing their special motion to dismiss. The plaintiffs requested time to file a motion and a hearing on the issue. Judge Bellis' response betrayed an eagerness to find additional bases to support a sanction precluding the Jones Defendants' special motion to dismiss.

a. Plaintiffs' counsel capitalized on Alex Jones broadcast. The day prior, plaintiffs filed a motion requesting an expedited briefing schedule concerning what, if any, orders should issue in relation to the broadcast. The following day at the hearing, plaintiffs reiterated to the court that they intended to file a motion for sanctions requesting a hearing on the issue:

> It is our intention, Your Honor, to file a motion for sanctions. We will be seeking a sanction up to and including default based on Mr. Jones's conduct. We would propose to get that motion filed within a very short period of time, and we'd ask for a hearing on that motion as soon as possible.

(*Id.* 11:3-8).

b. Judge Bellis disregarded the plaintiffs' request to (1) provide written briefs and (2) hold a meaningful hearing on the issue:

> this is the time that you're going to make your argument and you're going to tell me why sanctions should enter. And defense will argue their position and tell me why sanctions should not enter. But I did do my own research as well, and I know — I'll rule on this today."

(*Id.* 11:9-16).

c. Plaintiffs, obviously caught off guard by Judge Bellis' decision to proceed without a meaningful opportunity to be heard, began by stating they would not address the actual broadcast: "Well, and the conduct, Your Honor, speaks for

itself. I don't need to argue what happened." (*Id.* 12:6-8). Plaintiffs were then allowed to argue, without interruption, that sanctions were appropriate because (1) of a 2016 incident that occurred at Planet Pizza in Washington, DC; (2) the prior issues with discovery compliance; and (3) the apology during the 15 June 2019 broadcast was insufficient. (*Id.* 12:6-13:19).

d. Judge Bellis then allowed counsel for Jones Defendants to argue, requesting they begin by addressing the nature of the apology during the 15 June 2019 broadcast. Defense counsel was able to get two full sentences out before Judge Bellis challenged the characterization of the apology. (*Id.* 14:26-15:1-7).

e. Counsel next moved to address the actual 14 June Broadcast, attempting to illustrate Alex Jones point of view upon learning of the FBI investigation into the child pornography cyber-attack against the Jones Defendants. Judge Bellis questioned whether the emotion portrayed by Alex Jones during the broadcast was genuine. (*Id.* 15:13-26).

f. When counsel for the Jones Defendants attempted to establish the genuineness of Alex Jones' response, Judge Bellis prevented this, stating: "Well, but then you need — then you would want to put on evidence in that regard, because there's no evidence. The evidence before me are the broadcasts that you submitted. . . this is unchartered territory, Counsel. . . and despite my research, *I couldn't find a case that came close*." (*Id.* 16:1-10). (Emphasis added).

g. From this point on, defense counsel's argument was transformed into a cross examination by Judge Bellis, directed at establishing the broadcast was not Alex Jones exercising his right to free speech under the first amendment, but rather

some attempt to impact the integrity of the judicial process. (*Id.* 19:25-22:19).

h. Despite previously stating that the court was not able to find a case that came close to the facts at issue, Judge Bellis then indicated the court would take a recess so counsel for Jones Defendants could familiarize themselves with a recent appellate case that held sanctions appropriate:

> So I think the way to proceed on this, if you don't mind, is we take the recess now. I think Counsel should take a look at that case. And then if he wants to have any further argument and then I can hear from the plaintiffs as well as to whether they want any further argument, and then I'll be prepared to rule.

(*Id.* 22:21-27).

i. Upon review of the case referenced by Judge Bellis, I reached the same conclusion as the Judge did earlier in the hearing, the facts and circumstances of the case the court provided for review were not even close to the facts at issue in the instant matter. Regardless, Judge Bellis attempted to shoehorn the facts of the broadcast into the reasoning of the provided case in order to justify reaching a similar holding, so the court could impose sanctions without a hearing and meaningful opportunity to be heard. (*Id.* 26:6-37:23).

j. Following plaintiffs' argument, Judge Bellis denied the Jones Defendants the opportunity to pursue their special motion to dismiss, (*Id.* 53:25-27), for the following reasons:

> i. Putting aside the fact that the documents the Jones defendants did produce contained child pornography, putting aside the fact that the Jones defendants filed with the Court a purported affidavit from Alex Jones that was not in fact signed by Alex Jones, the discovery in this case had been marked with obfuscation and delay on the part of the defendants, who, despite several court ordered deadlines as recently as yesterday, they continue in their filings to object to having to, what they call affirmatively gather and produce

documents which might help the plaintiffs make their case. (*Id.* 46:25-47:13).

ii. "I also note that the Jones defendants have been on notice from this Court both on the record and in writing in written orders that the Court would consider denying them their opportunity to pursue a special motion to dismiss if the continued noncompliance continued." (*Id.* 49:2-7).

iii. Judge Bellis next addressed the 14/15 June 2019 broadcasts. Despite having admonished counsel for the Jones Defendants earlier that an evidentiary hearing was required to characterize the broadcast, Judge Bellis stated "because I want to make a good record for appeal, I'm going to refer to certain portions of the transcript of the website." (*Id.* 50:8-10). Without an evidentiary hearing, or at the very least permitting the Jones Defendants to make a record, Judge Bellis made the following findings:

1. The 14/15 June broadcasts were "indefensible, unconscionable, despicable, and possibly criminal behavior." (*Id.* 50:1-3).

2. "Now, the transcript doesn't reflect this, but when I listened to the broadcast, I heard, I'm going to kill. Now, that's not in the transcript, but that is my read and understanding and what I heard in the broadcast." (*Id.* 50:22-26).

3. Judge Bellis went on to "reject the Jones defendants' claim that Alex Jones was enraged. . . find[ing] based upon a review of the broadcast clips that it was an intentional, calculated act of rage for his viewing audience," (*Id.* 53:8-12).

16. **21 June 2019 order**. Following the sanctions order, the Jones Defendants published a news report on the Infowars website reporting on the status of the case. In the comments section of that news article, the FBI found comments containing an alleged threat against Judge Bellis.

    a. After imposing a sanction against the Jones Defendants precluding their special motion to dismiss, the court entered order DN271 indicating that the Connecticut State Police forwarded a report from the FBI that Judge Bellis was the subject of threats made by individuals commenting on the Infowars website. The order indicated there was no further information regarding the alleged threat. (DN271, Exhibit K). To date the Jones Defendants are not aware of any further information regarding the nature or quality of the threat nor the identity of the author. Plaintiffs in their filings concede as much, but then attempt to use this allegation to turn Judge Bellis against the Jones Defendants. Plaintiffs conclude, without providing evidence, that "Jones turned his fire on [Judge Bellis]" insinuating the Jones Defendants were somehow responsible for getting his audience to "threaten[] the judge… after the sanctions order issued." (*Lafferty v. Jones*, Conn. Supreme Court Records & Briefs, First Term, 2019, Plaintiffs' Brief p. 31, Exhibit L).

17. **20 December 2019 Statewide Grievance Committee Grievance Complaint #19-0367 Decision.** The Statewide Grievance Committee conducted an adversarial hearing regarding the affidavit issue, *supra* at 9f. After both sides had a meaningful opportunity to be heard, the Committee concluded that my conduct "in connection with the affidavit did not rise to the level of an ethical violation," "did not violate the Rules of Professional

Conduct," and at most I made an unintentional mistake in executing the affidavit. (Exhibit M, p. 3). Accordingly, the Grievance Committee dismissed the complaint. *Id.*

18. **Appeal of Sanction Denying Defendant's Special Motion to Dismiss**. The appeal of the Court's 18 June 2019 sanction denying the Jones Defendants' special motion to dismiss stayed the proceedings in this matter for the majority of 2020.

    a. On 23 July 2020 the Connecticut Supreme Court affirmed the sanction. (Exhibit N, p. 1).

    b. On 28 July 2020 the Jones Defendants' appealed this order to the United States Supreme Court, which denied *certiorari* on 5 April 2021. (Exhibit O, p. 1)

    c. Following the denial of *certiorari*, on 14 April 2021, the above captioned matters resumed holding the pre-appeal monthly status conferences. (Transcript, 12:3-21, Exhibit P).

19. **6 May 2021 hearing.** At this hearing the Court reached back to the 22 April 2019 hearing to reiterate that in the past it had "previously referred the Jones defendants' prior counsel to the disciplinary authorities." (Transcript, 13:25-26, Exhibit Q). The Court's purpose in resurrecting this issue was purportedly because in an objection to a deposition requested by plaintiffs, counsel for the Jones Defendants cited the fact "that there was an application for a stay filed with the U.S. Supreme Court" as one of six bases in support of that objection. The Court took issue with the fact that when this objection was filed on 6 November 2020 the United States Supreme Court had, in fact, denied the request for the stay the day before and counsel for the Jones Defendants did not file a correction. (*Id.* 7:25-8:2).

a. Judge Bellis stated, in part, that

> because I do not wish to [refer the Jones defendants' counsel to the disciplinary authorities] again, I am directing counsel — and that's all counsel in this case—to review the relevant sections of the Rules of Professional Conduct. . . look at what is and what is not considered attorney misconduct under the rules. . . Rule 3.3, Candor Towards the Tribunal. All right. I was somewhat concerned at the time with the filing that suggested that there was a—the request for the stay that was pending with the United States Supreme Court, but the filing itself was filed the—after it had already been denied and no subsequent filing was ever made with the Court that the Court saw by the Jones defendants. You may all get notice from higher courts when you appeal to the US Supreme Court, but I was the last one—I would be the last one to find out, so it was incumbent upon whoever—whatever counsel made that filing to correct it because it was—it was not—it was not correct. It's that simple. . . So just—just refresh your familiarity with those sections so that as we move forward, we can hopefully avoid any—any further issues.

(*Id.* 13:24-15:18).

b. Judge Bellis did not acknowledge the 20 December 2019 Statewide Grievance Committee Grievance Complaint #19-0367 Decision dismissing her prior referral of the Jones defendants' counsel to the disciplinary authorities.

c. Counsel for the Jones Defendants attempted to inform the Court that although the Supreme Court docket noted that the application for a stay was denied on November 5, 2020—notice of that order was not received until 3:57 p.m. on Friday, November 6, 2020 after counsel had already begun Sabbath observance. On the next business day, Monday November 9, 2020, the Plaintiffs informed the Court of the denial. (*Id.* 16:3-17:6); *see* DN337 at 1 n.1.

d. In response Judge Bellis stated, in part:

> I don't want to get into a colloquy here. I said what I said. I made my ruling. I will just say in the future moving forward for your own sake that if you do, because at least with respect to the app -- the application for the stay with the US Supreme Court, what you filed with the Court on that day represented something that, in fact, was not accurate and I -- I would say it would have been incumbent upon

> you to correct what you had filed. I did learn subsequently that it wasn't correct, but I just think just as we move forward, if it's your or -- or even an innocent -- and I'm not saying it was anything but an innocent mistake, but it would be incumbent upon you to just correct that mistake because I don't want to have continued problems moving forward.

(*Id.* 17:17-18:5).

20. **Order Regarding DN 337.00 11 May 2021 Motion for Stay**. In preparing to propound discovery, counsel for the Jones Defendants discovered that Plaintiffs' counsel failed to advise the Court (1) regarding a bankruptcy issue lasting for a two-year period pertaining to one of the plaintiffs' claims in the instant matter and (2) that one of the plaintiffs passed away in 2019. DN337 at 1

    a. Given the Court's 6 May 2021 admonishment—in particular the importance it placed on counsel for the Jones Defendants not correcting a filing that contained a purported misrepresentation of the status of a request for a stay that at worst lingered for a single weekend—counsel for the Jones Defendants raised these issues via a motion. DN337.

    b. Ultimately the issue related to counsel for Plaintiffs' failure to disclose the death of one of the Plaintiffs caused the court to lose subject matter jurisdiction over the claims related to that Plaintiff and voided all orders entered with regard to that Plaintiff for a period of more than two years. *See* DN337; DN 337.20

    c. In contrast to the importance the Court placed on making a record that counsel for the Jones Defendants may have violated Rule 3.3, Candor Towards the Tribunal, Judge Bellis took the opposite tact when confronted with possible violations by counsel for the Plaintiffs:

> Finally, with respect to the filing of this "Motion to Stay and Notice

> of Violation of Duty of Candor," it is entirely inappropriate for counsel for the Jones defendants to invoke the Rules of Professional Conduct as a procedural weapon in this forum. The Rules are not designed to be a basis for civil liability in this or any other motion, and should not be used by counsel to obtain a tactical advantage. It is the court's obligation to supervise the attorneys who appear before it, as attorneys, as officers of the court, are continually accountable to it. Any further such usage of the Rules of Professional Conduct by counsel in filings in this civil action shall result in immediate action by the court. See Practice Book §2-45.
>
> DN337.20

d. Practice Book §2-45 permits a court to issue summary orders disciplining attorneys without a complaint or hearing.

21. Order Regarding DN 394.00 6 July 2021 Motion for Sanctions for a Purported Violation of a Protective Order. In DN 394.10 the court ordered that the Jones defendants violated a Protective Order (PO) governing the disclosure of "confidential information" elicited during a deposition. In issuing that order, the court ignored the Jones defendants' position that the Plaintiffs failed to satisfy the requirement that the party invoking the PO do so based upon "a *good faith determination by counsel* so designating to the Court *that there is good cause for the material so designated* to receive the protections of" the PO. DN. 185.00. at 2-3. (emphasis added). In its order, the Court mischaracterized the Jones defendants' position that the plaintiffs failed to meet this threshold good faith determination. DN 394.10 at 2. Rather, the Court recast the Jones defendants' argument as an attack on whether there was good cause to issue the PO itself and characterized this argument as "frightening" and concluded that the Jones Defendants' disclosure of the information at issue was "willful misconduct." DN 394.10 at 2. At no point did the Jones Defendants make the argument the Court indicated in this order. *Id.*

a. On February 22, 2019, the Court a entered a PO per Practice Book § 13-5, which permits a court, upon a showing of good cause, to make an order "protecting a party from annoyance, embarrassment, oppression, or undue burden or expense." The applicability of the PO to information produced by the parties is contingent upon that information falling within a protected category of information based upon "a *good faith determination by counsel* so designating to the Court *that there is good cause for the material so designated* to receive the protections of" the PO. Id. at 3-4. (emphasis added.)

b. On 1 July 2021, the parties held the first deposition of a plaintiff in this case. At the start of the deposition the plaintiffs' attorney attempted to designate the entire deposition "Highly Confidential – Attorneys Eyes Only." Plaintiffs concede that this designation occurred "at the beginning of the deposition," and therefore without any knowledge of the actual information that was ultimately elicited. Pls.' Mot. for Sanctions Based On The Jones Defendants' Violation Of The Protective Order, DN. 394.00, at 4, Jul. 6, 2021. Plaintiffs' counsel did not indicate on what basis he was able to make the required good faith determination that unknown information yet to be elicited via the deposition should be protected by the PO.

c. Accordingly, counsel for the defendants believed that plaintiffs' counsel failed to satisfy the PO's good faith determination threshold requirement. This threshold requirement could not be met because plaintiffs could not know whether the information it sought to protect would fall within the definition of confidential information contained in the PO.

d. Because the PO was not properly invoked, counsel for the Jones defendants believed they faced no impediment to using the information disclosed during the deposition. Accordingly, prior to the conclusion of the deposition, counsel for the defendants filed a motion for a commission to take the deposition of Hillary Clinton. DN. 384.

e. Defendant's motion for a commission sought to discern the plaintiffs' motive for bringing the instant case. It is premised on (1) the public connection between Erica Lafferty, the lead plaintiff in this case, and Hillary Clinton; and (2) the fact that the instant litigation was commenced six years after the shootings at Sandy Hook. In support of that motion, defendants referenced the following information elicited during the course of the deposition: (1) "[o]n advice of counsel, at least one plaintiff has refused to answer how so many of the clients all ended up represented by the same firm," and (2) "[t]he witness claimed not to know how her legal fees were being paid." Id. at 2. Defendant's motion did not identify the specific plaintiff that made these statements.

22. I believe that the nature of this action is such as to create prejudice by Judge Bellis against the Jones Defendants and believe that my client cannot receive a fair and impartial trial before Judge Bellis in this action, because the comments and conduct of Judge Bellis raise substantial questions about whether a reasonable person would question her impartiality. The transcripts in this matter are filled with issues creating the appearance of judicial impropriety. Inconsistent rulings, raising an inference that Judge Bellis is prejudice against the Jones Defendants, would lead a reasonable person knowing all the circumstances to question Judge Bellis' impartiality. That these inconsistent

rulings ultimately resulted in Judge Bellis depriving the Jones Defendants of any meaningful opportunity to be heard prior to the court's imposition of sanctions only magnifies this effect. Moreover, the plaintiffs have suggested that the Jones Defendants played a role in a threat made by an unknown third party against Judge Bellis. At a minimum, this accusation creates an intolerable appearance of impropriety that would cause a reasonable person to doubt Judge Bellis' impartiality and ability to fairly exercise her judicial authority.

23. I execute this affidavit for the purpose of seeking recusal by Judge Bellis and obtaining transfer of the hearing of this case to another judge.

NORMAN A. PATTIS

Signed and sworn to before me at Media, Pa, this 30th day of Oct, 2021.

Notary Public

Commonwealth of Pennsylvania - Notary Seal
William Lee Cavanagh, Notary Public
Delaware County
My commission expires June 26, 2025
Commission number 1024960
Member, Pennsylvania Association of Notaries